

Nuclear Regulatory Commission

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(2) With respect to any other modification relevant to the application of the provisions of the Agreement: At the time the first inventory change report is submitted after the modification is completed.

(d) The information specified in paragraphs (a) and (c) of this section shall be prepared on Form N-71 or other forms supplied by the Commission (including appropriate IAEA Design Information Questionnaire forms). The information shall be sufficiently detailed to enable knowledgeable determinations to be made in the development of Facility Attachments or amendments thereto, including:

(1) Identification of the features of installations and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;

(2) Determination of IAEA material balance areas to be used for IAEA accounting purposes and selection of those strategic points which are key measurement points and which will be used to determine flow and inventory of nuclear material;

(3) Establishment of the nominal timing and procedures for taking of physical inventory of nuclear material for IAEA accounting purposes;

(4) Establishment of the records and reports requirements and records evaluation procedures;

(5) Establishment of requirements and procedures for verification of the quantity and location of nuclear material; and

(6) Selection of appropriate combinations of containment and surveillance methods and techniques at the strategic points at which they are to be applied.

(e) The licensee's detailed security measures for the physical protection of an installation shall be included in the installation information only when and to the extent specifically requested by the Commission.

[45 FR 50711, July 31, 1980, as amended at 49 FR 19628, May 9, 1984]

§ 75.12 Communication of information to IAEA.

(a) Except as otherwise provided in this section, the Commission will fur-

nish to the IAEA all information submitted under §§ 75.11 and 75.14.

(b)(1) A licensee may request that information of particular sensitivity, which it customarily holds in confidence, not be transmitted physically to the IAEA. A licensee who makes such a request should, at the time the information is submitted, identify the pertinent document or part thereof and make a full statement of the reasons supporting the request. The licensee shall retain a copy of the request and all documents related to the request as a record until the Commission terminates the license for each installation involved with the request or until the Commission notifies the licensee that the licensee is no longer under the agreement. Superseded material must be retained for three years after each change is made.

(2) In considering such a request, it is the policy of the Commission to achieve an effective balance between legitimate concerns of licensees, including protection of the competitive position of the owner of the information, and the undertaking of the United States to cooperate with the IAEA to facilitate the implementation of the safeguards provided for in the Agreement. The Commission will take into account the obligation of the IAEA to take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Agreement.

(3) If a request is denied, the Commission will notify the applicant with a statement of reasons. The notice of denial will specify a time, not less than ten (10) days after the date of the notice, when the information will be transmitted physically to the IAEA.

(4) If a request is granted, the Commission will determine a location where the information will remain readily available for examination by the IAEA and will so inform the licensee. The licensee shall retain this information as a record until the Commission terminates the license for the installation involved with the request or until the Commission notifies the licensee that the licensee is no longer

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under the agreement. Superseded material must be retained for three years after each change is made.

(c) A request made under § 2.390(b) of this chapter will not be treated as a request under this section unless the application makes specific reference to this section, nor shall a determination to withhold information from public disclosure necessarily require a determination that this information not be transmitted physically to the IAEA.

(d) Where consistent with the Agreement, the Commission may at its own initiative, or at the request of a licensee, determine that any information submitted under §§ 75.11 and 75.14 shall not be physically transmitted to, or made available for examination by, the IAEA.

[45 FR 50711, July 31, 1980, as amended at 53 FR 19262, May 27, 1988; 69 FR 2281, Jan. 14, 2004]

§ 75.13 Verification.

(a) Each licensee subject to the provisions of this part shall afford to the IAEA during normal working hours, pursuant to prior notice from the Commission, opportunity to visit the installation to verify the installation information submitted under § 75.11. The licensee may accompany IAEA representatives who visit the installation for such purpose, provided that the IAEA representatives shall not be delayed or otherwise impeded in the exercise of their functions.

(b) The notice from the Commission may be given by telephone or in writing and shall provide the licensee actual knowledge of the visit at least three days in advance. The licensee should consult with the Commission immediately if the visit would unduly interfere with its activities or if its key personnel cannot be available.

(c) The Commission will to the extent feasible, unless the licensee agrees otherwise, assign an employee to accompany an IAEA representative engaged in a visit described in this section.

§ 75.14 Supplemental information.

(a) At the time information is submitted by a licensee under § 75.11(a) (Form N-71), and promptly whenever

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changes are made, such licensee shall submit to the Commission:

(1) Information on organizational responsibility for material accounting and control, including information with respect to separation of functions to provide internal checks and balances.

(2) Health and safety rules to be observed by the IAEA inspectors at the installation.

(b) Information submitted pursuant to this section shall indicate that the information is being supplied for purposes of implementation of the US/IAEA Safeguards Agreement.

[45 FR 50711, July 31, 1980, as amended at 49 FR 19629, May 9, 1984]

MATERIAL ACCOUNTING AND CONTROL

§ 75.21 General requirements.

(a) Each licensee who has been given notice by the Commission in writing that its installation has been identified under the Agreement shall establish, maintain, and follow written material accounting and control procedures. The licensee shall retain as a record current material accounting and control procedures until the Commission terminates the license for the installation involved with the request or until the Commission notifies the licensee that the licensee is no longer under the agreement. Superseded material must be retained for three years after each change is made.

(b) The material accounting and control procedures required by paragraph (a) of this section shall include, as appropriate:

(1) A measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;

(2) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;

(3) Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;

(4) Procedures, including frequency, for taking a physical inventory;

(5) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses; and